



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Rob Charles (NV 6593)
John Hinderaker (AZ 018024)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING TWENTIETH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DOUBLE
COUNTED CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Twentieth Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7533] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7533] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there as
9 duplicate amount.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

13 Rob Charles
14 John Hinderaker (*pro hac vice*)
15 3993 Howard Hughes Parkway, Ste. 600
16 Las Vegas, Nevada 89169-5996
17 Telephone: (702) 949-8320
18 Facsimile: (702) 949-8321

19 *Attorneys for USACM Liquidating Trust*
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

USACM

Exhibit A
Proofs of Claim Asserting Duplicate Amounts

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
ROBERT WILLIAM ULM IRA	PENSCO TRUST COMPANY CUSTODIAN 414 MORNING GLORY RD ST MARYS GA 31558	10725-02090	1,415,506.00	707,753.00
ROGERS, JAMES WILLIAM	78 SEAL ROCK DR SAN FRANCISCO CA 94121	10725-02220	613,040.12	306,520.06
ROISENTUL FAMILY TRUST	SAUL & ILENE ROISENTUL TRUSTEES 74075 KOKOPELLI CIR PALM DESERT CA 92211-2075	10725-02281	840,536.32	420,268.16
ROMONOSKI, MAURY	4429 PEACEFUL MORNING LN LAS VEGAS NV 89129	10725-02331	250,000.00	125,000.00
RUTH ZIMMERMAN & MOSHE KIRSH JTWROS	15721 MILBANK ST ENCINO CA 91436	10725-02033	244,311.94	122,155.97
SALVO, ANNE F DI	PO BOX 18220 RENO NV 89511-0270	10725-02043	24,064.98	12,032.49
SANCHEZ IRA, RANDY	5713 N WHITE SANDS RD RENO NV 89511	10725-02217	694,063.90	347,031.95
SANCHEZ LIVING TRUST DTD 10/13/03	RANDY M & SHARON SANCHEZ TTEES 5713 N WHITE SANDS RD RENO NV 89511	10725-02218	554,132.98	277,066.49
SCHNITZER LIVING TRUST DTD 10/24/91	ARTHUR F & LINN S SCHNITZER TTEES 20155 NE 38TH CT, #1604 AVENTURA FL 33180	10725-02149	3,549,806.80	1,774,903.40
SCHOONOVER FAMILY TRUST DATED 2/23/04	EDWARD L & SUSAN A SCHOONOVER CO-TTEES 11044 E. NOPAL AVE MESA AZ 85209	10725-02135	269,449.00	134,724.50